

**UTAH RESIDENTIAL MORTGAGE
REGULATORY COMMISSION MEETING**

Heber M. Wells Building
Room 210
9:00 a.m.
February 7, 2018
TELEPHONE MEETING

MINUTES

DIVISION MEMBERS PRESENT

Jonathan Stewart, Division Director
Mark Fagergren, Licensing and Education Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Allen McNeil, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Board Secretary
Marvin Everett, Investigator
Mike Page, Division Staff
Faruk Halilovic, Division Staff

COMMISSION MEMBERS PRESENT

George Richards, Chair
Kay Ashton, Vice Chair
Cathy J. Gardner, Commissioner
Steve Hiatt, Commissioner
G. Scott Gibson, Commissioner

PUBLIC PRESENT ON CALL

Rebecca Staples Rod Rivers
Brandon Staples

The meeting on February 7, 2018 of the Utah Residential Mortgage Regulatory Commission began at approximately 9:00 a.m. with Chair Richards conducting.

PLANNING AND ADMINISTRATIVE MATTERS

A motion was made and seconded to approve the January 3, 2018 minutes as written. Vote: Chair Richards, yes; Vice Chair Ashton, yes; Commissioner Gardner, yes; Commissioner Hiatt, yes; Commissioner Gibson, yes. The motion is approved.

Public Comment Period

There were no comments given.

DIVISION REPORTS

Director's Report – Jonathan Stewart

Director Stewart reported the legislative bill was sent to the Commission prior to this meeting. The Division bill, House Bill 243 had its first committee meeting. It passed the house floor. It is now waiting to be assigned by a Senate committee. He reported the only other bill which affects mortgage is House Bill 108. He discussed that bill.

Enforcement Report – Kadee Wright

Ms. Wright reported in January the Division received 9 complaints; opened 4 cases; closed 8 cases; leaving 69 open mortgage cases. The AG's office has 8 cases.

Stipulations for Review

Rebecca Staples

Education/Licensing Report – Mark Fagergren

Mr. Fagergren reported on the renewal statistics. He commended the Division staff for their hard work. He also thanked the Commission for allowing the Utah Law Course to be added into the NMLS.

Mr. Fagergren reported two of the Division staff are currently attending the NMLS Users Conference. He mentioned they are working on getting informed about NMLS 2.0 which will be launched hopefully this fall.

Mr. Fagergren announced the Annual Division Caravan Course is coming up soon. The Caravan will take place in Park City on April 12, Vernal on April 17, Layton on April 19, Provo on April 24, Moab on May 8, Richfield on May 9, Cedar City on May 10, St George on May 11, and Logan on May 15.

COMMISSION AND INDUSTRY ISSUES

Mr. Barney presented the rule proposal for the Lending Manager Experience which has been discussed in the past several meetings. The language provides another category for alternative experience and will add a loan assistant/mortgage junior LO. It would allow for ½ point per month of non-concurrent experience. There was some discussion on the rule. A motion was made and seconded to approve the amended rule language to be sent to public comment. Vote: Chair Richards, yes; Vice Chair Ashton, yes; Commissioner Gardner, yes; Commissioner Hiatt, yes; Commissioner Gibson, yes. The motion is approved. Mr. Barney will start the process and will update the Commission as that rule moves forward.

Commissioner Gibson outlined a marketing scheme which was brought to his attention which uses the lender information to send marketing documents to past clients which appear to have been sent by the lender. He was wondering if there

was a rule or law which prevents a company from using the name of another entity without the entities specific consent. Vice Chair Ashton said he believed it was prohibited on the federal level and could be sent to the CFPB. There was some continued discussion on this issue. Mr. Barney stated the Division may not have jurisdiction over this and he listed some other entities which may have jurisdiction. However, the Division will look at the statutes and rule and will continue this discussion at the next meeting.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Richards, yes; Vice Chair Ashton, yes; Commissioner Gardner, yes; Commissioner Hiatt, yes; Commissioner Gibson, yes. The motion is approved.

CLOSED TO PUBLIC

An executive session was held from 9:35 a.m. to 9:52 a.m.

OPEN TO PUBLIC

Results of Stipulations for Review

Rebecca Staples – Approved with Director Concurrence

A motion was made to adjourn the meeting. Vote: Chair Richards, yes; Vice Chair Ashton, yes; Commissioner Gardner, yes; Commissioner Hiatt, yes; Commissioner Gibson, yes. The motion is approved. The meeting adjourned at 9:53 a.m.